

REMARKS

In accordance with the foregoing, claims 1, 3 and 5 have been amended and claim 4 is cancelled. Claims 1-3 and 5 are pending and under consideration.

Using independent claim 1 as an example, this claim recites the inlet of the second EGR passage is disposed on the upstream side of the exhaust gas purifying apparatus, the exhaust gas purifying apparatus comprising the diesel particulate filter and an NOx purifying catalyst converter.

Minami does not teach or suggest this feature. Instead, this reference teaches that the pipe 7 is branched by the second EGR passage 24 (using the Examiner's nomenclature) at a position between the diesel particulate filter 13 (using the Examiner's nomenclature) and the exhaust gas purifying apparatus 14 (using the Examiner's nomenclature).

Independent claim 1 further recites a diesel particulate filter in said second EGR passage. However, Tsuchiya teaches that the trap filter 15 in the EGR passage 10 more closely corresponds to the claimed first EGR passage.

Furthermore, the Examiner's combination is not proper, since the requisite motivation would have been lacking. The Examiner relies upon Minami as teaching the location of the diesel particulate filter being in the second EGR passage after the second EGR passage is branched out. However, since the second EGR passage 24 of Minami already is purified by the filter 13, there would have been no motivation to provide another filter after the branching.

An advantage of claim 1 as compared to Minami is that the higher exhaust gas pressure is used so that a portion of exhaust gas can be recirculated through the second EGR passage.

Yasuma also does not teach the claimed features of the inlet of the second EGR passage is disposed on the upstream side of the exhaust gas purifying apparatus, the exhaust gas purifying apparatus comprising the diesel particulate filter and an NOx purifying catalyst converter.

Accordingly, withdrawal of the rejections is requested.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

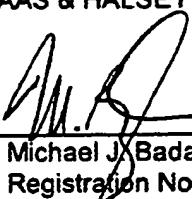
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:

  
Michael J. Badagliacca  
Registration No. 39,099

Date: 5-18-05

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501